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MINUTES OF COUNCIL REGULAR MEETING – APRIL 14, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 14, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

John Janson, Acting City Manager
Nichole Camac, Acting City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Richard Catten, City Attorney
Layne Morris, Community Preservation Director
Jim Welch, Finance Director
Jake Arslanian, Public Works Department

14487 OPENING CEREMONY

The Opening Ceremony was conducted by Corey Rushton who recited a humorous poem regarding the upcoming baseball season.

14488 SCOUTS

Mayor Nordfelt welcomed Scout Troop No. 1945 in attendance to complete requirements for the Citizenship in the Nation merit badge.

14489 PROCLAMATION CONGRATULATING THE GRANGER HIGH SCHOOL EXCALIBURS ON A SUCCESSFUL COMPETITION AT THE NATIONAL DANCE/DRILL TEAM COMPETITION

Councilmember Burt read a proclamation congratulating the Granger High School Excaliburs on a successful competition at the national dance/drill team competition event.

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14490 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt there was no one in attendance who desired to address the City Council during the comment period.

14491 **RESOLUTION NO. 09-160, AUTHORIZE PURCHASE OF LANDSCAPE FURNITURE FROM HAWORTH, INC. FOR THE NEW COMMUNITY PRESERVATION DEPARTMENT/ANIMAL SERVICES FACILITY LOCATED AT APPROXIMATELY 3500 SOUTH 4400 WEST**

Acting City Manager, John Janson, presented proposed Resolution No. 09-160 which would authorize purchase of landscape furniture from Haworth, Inc., in an amount not to exceed \$76,132.04, for the new Community Preservation Department/Animal Services facility located at approximately 3500 South 4400 West.

Mr. Janson stated Haworth, Inc. was on the State contract list as one of the landscape furniture vendors. He advised the landscape furniture was the same product used in most of the City facilities. He indicated the landscape furniture would provide open space cubicles for 16 ordinance officers, six housing case workers and two secretary stations. He stated the portion of the project was considered to be FF&E and would be installed by the City Facilities Division.

After discussion, Councilmember Vincent moved to approve Resolution No. 09-160, a Resolution Authorizing West Valley City to Purchase Landscape Furniture from Haworth, Inc. for the New Community Preservation Department/Animal Services Facility Located at Approximately 3500 South 4400 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 09-161, AUTHORIZE THE CITY TO SUBDIVIDE BY METES AND BOUNDS PROPERTY LOCATED AT APPROXIMATELY 1355 WEST AND 3100 SOUTH BY CONVEYANCE OF QUIT CLAIM DEEDS FROM WEST VALLEY CITY TO WEST VALLEY CITY

Acting City Manager, John Janson, presented proposed Resolution No. 09-161 which would authorize the City to subdivide by metes and bounds property located at approximately 1355 West and 3100 South by conveyance of Quit Claim Deeds from West Valley City to West Valley City.

Mr. Janson stated the City had owned the property for several years, however, recent changes in the use of the property required further subdividing to meet changing needs of the City. He further stated those exchanges would create five separate parcels. He advised a copy of the Record of Survey had been attached to the issue paper as Exhibit A that showed the newly created parcels. The new parcels were outlined and designated as follows: Parcels 1 and 5 are the Utah Cultural Celebration Center (UCCC), Parcel 2 has been created as exchange parcel for the Land and Water Conservation Fund (this was necessary for the creation of the new Animal Shelter at City Park), and Parcels 3 and 4 would be designated as a park.

After discussion, Councilmember Winder moved to approve Resolution No. 09-161, a Resolution Authorizing the City to Subdivide by Metes and Bounds Property Located at Approximately 1355 West and 3100 South by Conveyance of Quit Claim Deeds from West Valley City to West Valley City. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 09-162, AUTHORIZE CITY TO ACQUIRE, BY NEGOTIATION OR CONDEMNATION, REAL PROPERTY FROM DECKER LAKE VENTURES, LLC, LOCATED AT 2801 SOUTH DECKER LAKE DRIVE IN WEST VALLEY CITY AND RATIFY RESOLUTION NO. 09-67

Acting City Manager, John Janson, presented proposed Resolution No. 09-162 which would authorize the City to acquire, by negotiation or condemnation, real property from Decker Lake Ventures, LLC, located at 2801 South Decker Lake Drive in West Valley City and ratify Resolution No. 09-67.

Mr. Janson stated although the required legal notice had been sent to the correct property address, the property owner was located at another address. He indicated in an effort to comply with all legal requirements and give the owner an additional opportunity to respond to the condemnation, notice was subsequently sent to the owner. Due to additional noticing concerns regarding timing between the letter and the initial date scheduled for a vote on the resolution, the processing of this resolution must be completed again.

The Acting City Manager explained Utah Transit Authority (UTA) was currently negotiating purchase of 10,510 square feet of real property and a 2,631 square foot easement from the Decker Lake Ventures, LLC, with Clear Channel as a tenant. He stated, at present, it appeared condemnation would be necessary to complete the acquisition and the resolution had been requested in the likely event condemnation became necessary.

Mr. Janson reported the subject property was one of the properties to be purchased for the light rail station on Research Way near Redwood Road and was located on a corner where the rail tracks made a turn to the south. He indicated the turn necessitated additional right-of-way. He stated the current right-of-way width was large but under the road was a box culvert from Decker Lake that needed to be avoided when possible and the turn consumes more right-of-way.

Upon recognition by Mayor Nordfelt, Mr. Robert Mansfield addressed the City Council. Mr. Mansfield stated he was an attorney with Snell and Wilmer and represented the property owner. He discussed traffic impact in the area and proposed several ideas that could allow all parties to come together to resolve problems and allow access to the property. He requested the Council's help in negotiating with UTA to resolve the problem as a good corporate citizen of the community.

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Councilmember Burt inquired if any meetings had been scheduled between the property owner and UTA. Mr. Mansfield stated negotiations had been attempted but they had been told “no.” He also stated his client had not asked for an unreasonable solution but simply for consideration to accommodate the interests of all property owners in the area.

Discussion ensued and Acting City Manager, John Janson, and members of the City Council addressed options of UTA in helping the property owner involving the Trax platform, signals, u-turns, and different points of access. Mayor Nordfelt inquired if the property owner to the south had been contacted. Mr. Mansfield stated that everything worked out for that property owner and they were not willing to move or negotiate.

Upon inquiry by Councilmember Winder regarding if people arrived and departed at the same time everyday, Mr. Mansfield advised people came and went throughout the day with arrival and departure times being staggered depending on scheduled meetings.

Mayor Nordfelt recognized Necia Christensen, member of the UTA board. Ms. Christensen addressed the City Council and stated discussions had been held regarding whether the property on either side of Trax was TOD (Transit Oriented Development) friendly; she added discussions had not received positive responses from land owners.

Acting City Manager, John Janson, recommended the Council consider a continuation of the matter to allow for time to request UTA representative attend a Council Study Meeting and discuss their reasoning and give additional input.

After discussion, Councilmember Coleman moved to table proposed Resolution No. 09-162 and continue the matter to the next scheduled Council Study Meeting and request the Utah Transit Authority to provide reasoning and give additional input. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes

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Mayor Nordfelt Yes

Unanimous. Proposed Resolution No. 09-162 tabled and the matter continued to the next scheduled Study Meeting.

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RESOLUTION NO. 09-177, AWARD A CONTRACT TO ARNELL-WEST, INC. AND AUTHORIZE EXECUTION OF A CONTRACT FOR CONSTRUCTION OF THE WEST VALLEY CITY UTAH CULTURAL CELEBRATION CENTER PLATFORM

Acting City Manager, John Janson, presented proposed Resolution No. 09-177 which would award a contract to Arnell-West, Inc. in the amount of \$284,977.00 and authorize execution of the contract for construction of the West Valley City Utah Cultural Celebration Center platform.

Mr. Janson stated bids had been solicited and four bids had been received as follows:

<u>Vendor</u>	<u>Base Bid</u>	<u>Substitution</u>	<u>Bid Amount</u>
Arnell-West Inc.	\$292,527.00	Lift Deduct \$7550.00	\$284,977.00
Ascent Construction	\$286,000.00	No	\$286,000.00
Valley Design Co.	\$312,000.00	No	\$312,000.00
Onyx Const.	\$330,517.00	No	\$330,517.00

The Acting City Manager reported Arnell-West, Inc. had submitted the lowest responsible bid. He advised construction included a platform with wood floors and three changing rooms, and an AV room. He also stated the project involved construction of a new permanently secured platform stage to be constructed under the supervision of the City and GSBS Architects.

After discussion, Councilmember Winder moved to approve Resolution No. 09-177, a Resolution Awarding a Contract to Arnell-West, Inc. and Authorizing the Execution of a Contract for Construction of the West Valley City Utah Cultural Celebration Center Platform. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

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CONSENT AGENDA:

A. RESOLUTION NO. 09-163, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LAWRENCE GONZALES AND FAY D. GONZALES FOR PROPERTY LOCATED AT 3539 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-163 which would accept a Grant of Temporary Construction Easement from Lawrence Gonzales and Fay D. Gonzales for property located at 3539 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

B. RESOLUTION NO. 09-164, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DON C. WILLARD AND BARBARA R. WILLARD, AS CO-TRUSTEES OF THE 1993 WILLARD FAMILY TRUST FOR PROPERTY LOCATED AT 4053 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-164 which would accept a Grant of Temporary Construction Easement from Don C. Willard and Barbara R. Willard, as Co-Trustees of the 1993 Willard Family Trust for property located at 4053 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

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C. RESOLUTION NO. 09-165, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JEREMY R. SORENSEN FOR PROPERTY LOCATED AT 3985 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-165 which would accept a Grant of Temporary Construction Easement from Jeremy R. Sorensen for property located at 3985 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

D. RESOLUTION NO. 09-166, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GILBERT L. CAMOMILE AND MARILYN CAMOMILE FOR PROPERTY LOCATED AT 3917 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-166 which would accept a Grant of Temporary Construction Easement from Gilbert L. Camomile and Marilyn Camomile for property located at 3917 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

E. RESOLUTION NO. 09-167, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DENNIS A. MORGAN AND KAY D. MORGAN FOR PROPERTY LOCATED AT 3615 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-167 which would accept a Grant of Temporary Construction Easement from Dennis A. Morgan and Kay D. Morgan for property located at 3615 South 5200 West for the 5200 West Improvement Project.

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Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

F. RESOLUTION NO. 09-168, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM KEVIN E. HOLT AND KIMBERLY A. HOLT FOR PROPERTY LOCATED AT 3643 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-168 which would accept a Grant of Temporary Construction Easement from Kevin E. Holt and Kimberly A. Holt for property located at 3643 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

G. RESOLUTION NO. 09-169, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DAY-WALK APARTMENT CO. INC. PROPERTY LOCATED AT 3545 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-169 which would accept a Grant of Temporary Construction Easement from Day-Walk Apartment Co. Inc. for property located at 3545 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

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H. RESOLUTION NO. 09-170, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRUCE ARGYLE AND JUDY ARGYLE, TRUSTEES OF THE BRUCE AND JUDY ARGYLE FAMILY TRUST DATED MARCH 18, 2004, FOR PROPERTY LOCATED AT 3575 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-170 which would accept a Grant of Temporary Construction Easement from Bruce Argyle and Judy Argyle Trustees of the Bruce and Judy Argyle Family Trust dated March 18, 2004 for property located at 3575 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

I. RESOLUTION NO. 09-171, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM PAUL D. NEWSOME FOR PROPERTY LOCATED AT 3973 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-171 which would accept a Grant of Temporary Construction Easement from Paul D. Newsome for property located at 3973 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

J. RESOLUTION NO. 09-172, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DEE ANNA SHELTON, TRUSTEE OF THE 1993 RUSHTON FAMILY TRUST, FOR PROPERTY LOCATED AT 4071 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

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Acting City Manager, John Janson, presented proposed Resolution No. 09-172 which would accept a Grant of Temporary Construction Easement from Dee Anna Shelton, Trustee of the 1993 Rushton Family Trust for property located at 4071 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

K. RESOLUTION NO. 09-173, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DEE ANNA SHELTON, TRUSTEE OF THE 1993 RUSHTON FAMILY TRUST FOR PROPERTY LOCATED AT 4071 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-173 which would accept a Grant of Temporary Construction Easement from Dee Anna Shelton, Trustee of the 1993 Rushton Family Trust for property located at 4071 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

L. RESOLUTION NO. 09-174, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DEE ANNA SHELTON, TRUSTEE OF THE 1993 RUSHTON FAMILY TRUST FOR PROPERTY LOCATED AT 4059 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-174 which would accept a Grant of Temporary Construction Easement from Dee Anna Shelton, Trustee of the 1993 Rushton Family Trust for property located at 4059 South 5200 West for the 5200 West Improvement Project.

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Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

M. RESOLUTION NO. 09-175, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM VON C. PROCTOR AND BRANDI L. PROCTOR FOR PROPERTY LOCATED AT 3899 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-175 which would accept a Grant of Temporary Construction Easement from Von C. Proctor and Brandi L. Proctor for property located at 3899 South 5200 West for the 5200 West Improvement Project.

Mr. Janson stated the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He advised the easement would allow the contractor to make the necessary tie-ins to their property. He reported compensation for the easement would be \$200.00, which easement would automatically expire on December 31, 2010.

N. RESOLUTION NO. 09-176, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM VERN O. READING AND JULIE A. READING FOR PROPERTY LOCATED AT 3970 SOUTH SUNNYVALE DRIVE FOR THE SUNNYVALE ACORD SIDEWALK PROJECT

Acting City Manager, John Janson, presented proposed Resolution No. 09-176 which would accept a Grant of Temporary Construction Easement from Vern O. Reading and Julie A. Reading for property located at 3970 South Sunnyvale Drive for the Sunnyvale Acord Sidewalk Project.

Mr. Janson stated Von C. Proctor and Brandi L. Proctor had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He indicated the easement would allow

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the contractor to make necessary tie-ins to their property. He stated compensation for the easement would be in the amount of \$200.00, which easement would expire December 31, 2010.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 09-163, 09-164, 09-165, 09-166, 09-167, 09-168, 09-169, 09-170, 09-171, 09-172, 09-173, 09-174, 09-175, and 09-176 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 14, 2009, WAS ADJOURNED AT 7:12 P.M. BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, April 14, 2009.

Nichole Camac
Acting City Recorder

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